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\*E-Filed 6/12/09\*

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Attorneys for Defendant United States of America

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

ERIC AUSTIN NIVA,	)	No. C 03-0908 RS
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER CONTINUING CASE
v.	)	MANAGEMENT CONFERENCE
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	
	)	

This case is currently scheduled for a case management conference on July 8, 2009.

The parties have been conducting discovery relating to the subject of plaintiffs' damages, including interrogatories, document requests, subpoenas for records, and depositions of the plaintiffs. Pursuant to the Court's previous order, the parties participated in a settlement conference on May 20, 2009, which was unsuccessful. After the settlement conference, plaintiffs agreed to provide additional documentation relating to damages. After defendant's counsel receives and reviews that documentation, it is anticipated that follow-up depositions of the plaintiffs may be necessary.

The parties have agreed to participate in private mediation under the supervision of mediator John Williams. That mediation is scheduled to take place on August 17, 2009. Accordingly, the parties request that the case management conference be continued to August 26, 2009.

STIPULATION AND ~~PROPOSED~~ ORDER CONTINUING CMC  
 C 03-0908 RS

Respectfully submitted,

DATED: June 11, 2009

JOSEPH P. RUSSONIELLO  
United States Attorney

/s/ Claire T. Cormier<sup>1</sup>

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CLAIRE T. CORMIER  
Assistant United States Attorney

DATED: June 10, 2009

THE BOCCARDO LAW FIRM LLP

/s/ John C. Stein

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JOHN C. STEIN  
Attorney for Plaintiff

~~PROPOSED~~ ORDER

Upon stipulation of the parties and good cause appearing, IT IS SO ORDERED.

DATED: June 12, 2009

  
\_\_\_\_\_  
RICHARD SEEBORG  
United States Magistrate Judge

<sup>1</sup> I, Claire T. Cormier, hereby attest that I have on file all holographic signatures for any signatures indicated by a “conformed” signature (/s/) within this e-filed document.